CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE SEVEN HUNDRED AND FIFTY-FIFTH PLENARY MEETING

Held at the Palais des Nations, Geneva, on
Thursday, 13 February 1997, at 10 a.m.

President: Mr. Sun (Republic of Korea)

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The President: I declare open the 755th plenary meeting of the Conference on Disarmament. I have on my list of speakers for today the representatives of Brazil and Japan. I now give the floor to the representative of Brazil, Ambassador Lafer.

Mr. LAFER (Brazil): Mr. President, may I begin by expressing my delegation's gratitude for the work you have undertaken in this session of the Conference on Disarmament? Your firm determination and competent guidance have been instrumental to this phase of the Conference, when difficult issues are being confronted. Knowing you from other forums, and having had the benefit of discussing many issues with you, I know how competently you have worked at the issues we have before us.

As this is the first time that I take the floor in the current session of the Conference, I would also like to thank your predecessor, as well as to welcome the permanent representatives accredited since the conclusion of last year's session.

It comes as no major surprise that the CD began its 1997 session entangled, as it still is, in a debate over its agenda and programme of work. The report of the then Special Coordinator on the agenda, Ambassador Meghlaoui of Algeria, presented to this plenary last year, had already detected a general acceptance that "the CD should have a new, balanced agenda which can boldly reflect the changes that have taken place in the world over the last few years". But the report also clearly cautioned that "rather large differences remain between the priorities expressed by the various groups". It seems natural that members wish to ensure that a new agenda will adequately reflect their needs and priorities in the post-cold-war world before agreeing to supersede the 1978 "Decalogue". The subject should therefore continue to require active coordination.

In the meantime, we encourage the course of action you have been following: to concentrate on the Conference's programme of work by attempting to weave consensus around a number of points encompassing both nuclear and conventional disarmament. The idea of striking a balance between these two broad categories is of course not a new one and may provide a way out of the current impasse. The same balanced approach could in our view also apply to certain items being considered, such as transparency in armaments. But placing greater emphasis than hitherto on conventional disarmament by means of entering into actual negotiations to ban "weapons that are actually killing people", such as landmines, should not downgrade the priority conferred upon nuclear disarmament in the Conference's agenda. Nor should it serve to downplay the global risk still posed by the continued existence of nuclear weapons. In our view, ridding the world of the greatest threat ever posed to civilization remains the paramount task for this conference. It is a political and axiological hierarchy.

Throughout the 1996 session of the Conference, Brazil and many other States time and again called for a real commitment on the part of all nuclear-weapon States to engage in a multilateral process within this forum with a view to achieving the complete elimination of nuclear weapons. These

calls took the form of reiterated proposals by the Group of 21 for the immediate establishment of an ad hoc committee on nuclear disarmament, including a concrete programme of action by a number of countries, as contained in document CD/1419 of 7 August 1996. We of course regret the negative responses that these suggestions, which remain on the table, have so far elicited. Perhaps discussions on the overall programme of work may provide encouragement for viewing them, as well as possible variations, in a more positive light. To this end, it would be worthwhile to explore the idea of establishing one ad hoc committee on nuclear disarmament under which separate working groups would take up issues such as the fissile materials convention and nuclear disarmament measures.

Surmounting these difficulties will certainly require perseverance and may take time, but the only way to preserve the CD's utility and credibility as a negotiating forum where all major players are represented is to allow for their opinions to be taken into account.

For more than a century, Brazil has been at peace with all its neighbours. We have renounced nuclear, biological, chemical and certain conventional weapons, our military expenditure ratio of GNP is among the lowest in the world. Credentials such as these incline us to encourage all serious proposals that may help others along the same paths, thus contributing to the global relaxation of tensions. In these endeavours, we are always guided by what President Fernando Henrique Cardoso terms "possible Utopias" in his efforts to confront and reduce the dauntingly complex Brazilian economic and social imbalances, which equally apply to the search for ways to deal with the most difficult international issues.

Brazil was at the forefront of the initiative which resulted in the adoption of resolution 51/45 B through which the United Nations General Assembly recognizes with satisfaction that nuclear-weapon-free-zone treaties are gradually freeing the entire southern Hemisphere from nuclear weapons. We see this as a natural consequence of the spread of nuclear-weapon-free zones throughout the southern Hemisphere, as well as a concrete contribution to nuclear non-proliferation and disarmament.

As a founding member of the Treaty of Tlatelolco, which celebrates its thirtieth anniversary tomorrow, 14 February, and was the first to bar nuclear weapons from a populated area, Brazil is gratified to see the growing support of the concept of nuclear-weapon-free zones. One not too far-off day we hope the entire globe will be a nuclear-weapon-free zone.

Together with 115 other countries, Brazil was one of the co-sponsors of resolution 51/45 S, also approved at the fifty-first United Nations General Assembly. We are convinced that negotiations on an effective, legally binding instrument proscribing the use, stockpiling, production and transfer of anti-personnel landmines should start as soon as possible. We consider the CD, as the single multilateral disarmament negotiating body, to be the proper forum for the attainment of a universal and effective ban. We could accept an approach by phases, as has been proposed, which seems a course that could

yield early results. It is nevertheless our intention to continue to participate in the effort initiated in Ottawa last year, which could also play an important role in building political momentum for attaining the goal of a universal ban.

We have noted the importance many States attach to the early commencement of negotiations on a fissile materials production ban ("cut-off") treaty, an objective Brazil shares and supports. Should the Shannon mandate remain the basis for the establishment of an ad hoc committee, it is our expectation that the question of stocks will be dealt with within committee discussions on the scope of the future treaty. The reasons for this are twofold: first, how can a ban on fissile material production be effective without adequate knowledge and accountability of the amounts of such materials already in existence? Second, as was the case for the CTBT, the FMCT would be negotiated in a context where many nuclear-weapon States already have unilaterally stopped the activity intended for prohibition. If the future treaty is to have real impact beyond non-proliferation, and we hope it will, it would therefore also have to go beyond the narrow scope that some currently envisage for it. Another important issue from our point of view is to make sure that the costs of verification of such a treaty are carefully considered from the outset of the negotiation, as these should not unduly burden those States whose current international obligations in practice already subject them to the same prohibition envisaged under the future treaty.

Although Brazil has been doing its part to support and would welcome the start of negotiations in the CD on this subject, we cannot agree with views that seek to equate the eventual establishment of an FMCT ad hoc committee with actual CD work on nuclear disarmament, particularly given the current uncertainties regarding the scope of such a treaty.

We are also intrigued by assertions that conclusion of a fissile materials "cut-off" treaty should now take precedence over any multilateral nuclear disarmament discussion. In support of this, the "Principles and objectives" document approved during the NPT 1995 Review and Extension Conference is frequently cited. Reference is made to the sequential listing therein of three objectives under a "Nuclear disarmament" heading: the CTBT, the fissile materials convention, and "the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

It is certainly not our intention to offer an uncalled-for interpretation of what NPT parties agreed to, or did not agree to, in that text. But while concurrent progress for the first and second objectives was not only envisaged but repeatedly exhorted by many NPT parties throughout the CTBT negotiations, why doesn't the same reasoning apply when it comes to the second and third objectives? Does this mean that real multilateral advances towards the elimination of nuclear weapons are in effect being made contingent

upon the prior attainment of the fissile materials production ban? And now, as we hear, also upon the additional encumbrance of waiting for the CTBT to enter into force? If so, those who are quick to denounce linkages need look no further.

Proposals aiming at concrete steps towards a world free from nuclear weapons are gathering interest and support from various quarters. The past year witnessed a growing and influential body of opinion in the world, including within some nuclear-weapon States, that increasingly questions the case for indefinite retention of nuclear arsenals.

In the post-cold-war world, how to justify to concerned citizens the maintenance and perfectioning of arsenals of colossal and indiscriminate destructive force? The lack of clarity in defining the putative military utility of nuclear weapons today, as well as their staggering cost, only add to the wariness with which many are approaching their own Governments' dubious arguments.

For their part, cases for questioning nuclear weapons on moral or legal grounds, long stifled by the major Powers, are again finding their rightful place at the centre of the debate. The advisory opinion issued by the International Court of Justice on 8 July 1996 on the legality of the threat or use of nuclear weapons breaks new legal ground in clearly establishing that such actions "would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law". Moreover, in stressing that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control" the International Court of Justice adds its weight to a growing international clamour.

I stress the importance of this point because it is not understood as an obligation of behaviour. It is understood by the Court as an obligation to attain results. It has a different legal bearing and it is an awareness of legal consciousness of what has changed in the world. So, refusing to allow a proper role for the CD on nuclear disarmament does little to convince the international community that all is being done fo fulfil this obligation.

A fortnight ago we had the benefit of listening to the Australian Minister for Foreign Affairs, the Hon. Alexander Downer, who kindly laid before us the report of the Canberra Commission on the Elimination of Nuclear Weapons. We wish to express our gratitude to the Government of Australia for taking what we consider a particularly useful and timely initiative. The international stature and respectability of the Commission's members - among them Ambassador Celso Amorim, former Minister of External Relations of Brazil and one of my distinguished predecessors in this forum - attest to the seriousness and relevance of the outcome. Not only does the report propose realistic and practical steps towards a nuclear-weapon-free world. Its learned analysis of the nuclear-weapon situation, sober assessment of the consequences of a perpetuation of the nuclear threat and comprehensive rebuttal of avowed reasons for retention of such weapons provide perhaps the

most authoritative and thorough consideration of this question since the end of the cold war. The importance of such a report calls for both general and specific comments.

Momentous historical upheavals are usually followed by a period of uncertainty, as old doctrines are challenged and efforts are made to reflect on, understand and submit proposals with regard to the new international reality. The Canberra Commission report emerges as a particularly lucid effort, for it addresses one of the main issues of our time in a manner that combines the guiding force of high values and rational arguments with profound experience and technical knowledge of the subject-matter. As the eminent Italian thinker Norberto Bobbio has pointed out, the combination of these two are essential ingredients for meaningful intellectual reflection. It leads us from doubt to choice and it permits us to deal with the blocked alleys that the risk of war represents for humanity.

Brazil naturally supports the Canberra Commission report's central proposition that the nuclear-weapon State should immediately commit themselves to the elimination of all nuclear weapons, as well as its recommendation with regard to a number of immediate and reinforcing steps, many of which are coincidental with suggestions put forward by certain G-21 countries last August. This is not to minimize the important and necessary bilateral negotiations such as the START process under which significant warhead reductions and details for their dismantlement have been agreed to. We encourage prompt ratification of START-II by the Russian Federation so that the envisaged reductions can be implemented, and look forward to agreements that will further reduce the overall number of nuclear weapons. Immediately entering into a commitment on elimination as sought by the Canberra Commission would not disturb these negotiations, except hopefully to encourage them to move faster. Likewise, agreeing to establish an ad hoc committee on nuclear disarmament in the CD and to negotiate multilaterally a phased framework leading to nuclear weapon elimination would not necessarily imply bringing to this forum all technical matters of implementation, which would best be worked out - and we clearly recognize that - by the nuclear-weapon States themselves.

The assessments of the Canberra Commission's report are also helping to stimulate debate on the vital issue of the role of nuclear weapons in a post-cold-war context. In many instances, this debate is helping to underline how some arguments in favour of nuclear weapons are wearing thin. Their deterrent value against chemical or biological weapons is at best questionable, and to actually use them in retaliation for such an attack does not seem a viable proposition politically, let along morally. As for responding to a chemical, biological or nuclear terrorist threat, what practical purpose could really be envisaged for nuclear weapons? In fact, and as has been stressed by former mulitary commanders of the highest rank and experience, these weapons have no military value and since their only purpose is to deter a similarly equipped opponent, elimination would remove their sole justification. There is also of course the old argument whereby nuclear weapons are inevitable since the knowledge to make them cannot be expunged, but neither can it be in the cases of chemical and biological weapons, blinding lasers or landmines, for that matter.

(Mr. Lafer, Brazil)

There is no convincing reason for tacitly accepting that nuclear weapons must be a permanent feature of human society. Worn arguments can no longer divert attention from the hard truth that sheer political will is what is really lacking for States to give up nuclear weapons. It requires courage and leadership to unequivocally engage on a course to free mankind of the threat of nuclear calamity. We look upon those who share this vision to live up to it. Clinging pathetically to nuclear status symbols may in the end be a far riskier - and costlier - path to take.

Before closing, let me refer to one of the final points made by the Permanent Representative of the United Kingdom, Sir Michael Weston, in his thought-provoking statement on nuclear disarmament delivered at the outset of the current session, in which he referred to the great playwright Oscar Wilde. We of course cannot agree with Sir Michael in automatically assigning to the realm of Utopia any idea or proposal for nuclear disarmament that does not fit his country's views. Oscar Wilde's Dorian Gray would have been delighted at such a seemingly perfect dismissal of inconvenient ideas. But Oscar Wilde also shrewdly observed, in The critic as artist, that England had yet to add Utopia to her dominions. This was in 1890, but there may still be hope. Growing support for bolder nuclear disarmament measures is making it more difficult to continue to stand in the way of any CD role on this subject, as well as to convincingly ascribe impractical or idealistic labels to ideas and proposals which are increasingly recognized as reasonable.

The PRESIDENT: I thank the representative of Brazil for his statement and for the kind words addressed to the Chair. I now call upon Ambassador Kurokochi of Japan.

Mrs. KUROKOCHI (Japan): I would like to make a brief statement today on the subject of nuclear disarmament. As I have already explained Japan's views on how the Conference on Disarmament should address this issue, both in the plenary on 30 January and in the informal open-ended Presidential consultations, I will not go into detail, but I would like to introduce Japan's proposal for a special coordinator on nuclear disarmament. As I have stated before, my delegation is of the view that, in addition to the fissile material cut-off treaty, the Conference should identify the issues of nuclear disarmament to be negotiated in the future. While nuclear disarmament is the most frequently discussed issue in the Conference on Disarmament this session, it seems that the basic lines of thought for dealing with nuclear disarmament continue to be divergent. Likewise, a convergence of views on an appropriate forum, or mechanism, has not yet evolved. Under these circumstances, we believe that the most practical approach to this problem is to make use of as flexible a mechanism as possible with a view to identifying the issue or issues of nuclear disarmament to be negotiated in the Conference on Disarmament. For this purpose, we propose that the Conference appoint a special coordinator who could, by means of bilateral, multilateral or any other form of consultations and discussion, provide a most appropriate forum for our deliberations. This will help to start, with no further delay, the process of building the common ground for this very difficult issue.

(Mrs. Kurokochi, Japan)

Japan's proposal is as follows:

"The Conference on Disarmament appoints a special coordinator to conduct consultations with its members to identify the issue(s) in the field of nuclear disarmament which could be negotiated in the Conference and to report to the Conference on the result of these consultations no later than the conclusion of the 1997 session."

We have prepared the text of our proposal with some explanatory notes. I would be grateful if the necessary arrangements could be made for this text to be circulated as an official document of the Conference on Disarmament.

Mr. NASSERI (Islamic Republic of Iran): Mr. President, you have been pursuing tirelessly, ever since you took the responsibility of leading the Conference, the issues that confront the Conference - the important questions of the agenda and the programme of work. You have spared no effort in trying to bring about an agreement within the Conference. The extensive consultations, formal and informal, have, in our view, been particularly useful in this context.

The Group of 21, for its part, has also been engaged on this issue and has held intensive consultations within the Group and without the Group - consultations which, of course, do continue. But I believe now, as far as the question of the agenda is concerned, it is in a position to forward a proposal that we believe could be a basis for agreement by the Conference. In that light, and since the plenary today has been rather short, I wish to request a 15-minute suspension of the meeting - and I mean 15 minutes - so that we could have further consultations on the matter and that hopefully we could be able to bring the proposal to the floor today.

The PRESIDENT: Thank you very much for your suggestion. I now give the floor to Ambassador Benjelloun-Touimi of Morocco.

Mr. BENJELLOUN-TOUIMI (Morocco): Of course, I subscribe to what our Coordinator has just said. We have just been given a document which seems to be a draft agenda for 1997. I wanted, before we go into a recess, to understand what the last sentence in it means. It seems rather strange to me, but of course, I think that if you give us some explanation, then the recess will make sense to us to be able to understand that.

The PRESIDENT: Thank you very much for your question. Well, actually, my intention was to suspend the plenary meeting and then at 12 noon convene an informal plenary for the purpose of discussing the draft agenda for the 1997 session. Then, that informal plenary would be followed by the resumed plenary.

I have just circulated to all of you my draft agenda for the 1997 session, and in reaction to the question raised by Ambassador Benjelloun-Touimi, this is exactly the same as the 1996 annual agenda minus one item, which is the Comprehensive nuclear-test ban. And I added one simple sentence at the bottom of the draft agenda, which is my attempt to make everybody happy. I hope that when we convene the informal plenary at 12 noon, discussions can be conducted on the basis of my draft agenda.

Mr. RAMAKER (Netherlands): Thank you very much, Mr. President, for the explanation you gave on the paper that you have just circulated. I thank you also for suspending the meeting until 12 noon. That would give some time, as you said, for consultations. I simply asked for the floor to make use of this microphone in order to suggest that the Western Group, very briefly, meets in room I so that I could inform them, to the extent necessary, of a number of discussions that have taken place during yesterday and during the morning, in which I was involved. So, it is not really to have a meeting, just five minutes of briefing, whereafter, I think, consultations as you suggested should go on in this room with all concerned so as to see whether we can reach a conclusion and discuss this as you suggested at the informal plenary at 12 o'clock. So it is mainly to abuse this microphone and ask that the members of my group come to room I, if that is open.

The PRESIDENT: Thank you very much. I hope my suggestion of 45 minutes' suspension will be acceptable to Ambassador Nasseri.

Mr. NASSERI (Islamic Republic of Iran): Well, certainly. I had asked for 15 minutes - 45 minutes is really extravagant. May I say then, if it is possible, perhaps our group could stay in this room, since it is a larger group, for consultations.

The meeting was suspended at 11.15 a.m. on 13 February and resumed at 12.10 p.m. on 14 February.

The PRESIDENT: The 755th plenary meeting of the Conference on Disarmament is resumed.

I should like to put before you the draft agenda of the Conference for the 1997 session. This draft is contained in document CD/WP.483/Rev.1, which has been circulated to all of you. I assume that there is consensus on this draft agenda. I give the floor to the representative of Germany.

Mr. ASCHENBACH (Germany): The German delegation has stated in the informal plenary we just had that it was forced to reserve its position on the complex we have been discussing, the complete complex of the agenda. So I want to state this reservation now in the formal plenary.

The PRESIDENT: On the part of the President, having taken note of the statement by the representative of Germany, I declare the agenda is adopted.

In connection with the adoption of this agenda, I, as the President of the CD, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda.

I should like to express my deep appreciation to all delegations for the spirit of compromise and flexibility, and furthermore patience, which made the adoption of the agenda possible.

(The President)

As this is the last plenary of the Conference on Disarmament being presided over by the Republic of Korea, permit me to make a few comments.

As has been the case in the past, this year's CD started its work endeavouring to adopt its annual agenda, to establish its programme of work and to solve the recurrent issue of expanding its membership. I am pleased that the CD has been able to adopt this annual agenda for 1997 at the eleventh hour of my presidency. This was possible due to the spirit of cooperation, compromise and patience displayed by all the delegations. But there is still much work to be done, including the establishment of the work programme and organization of arrangements so that the substantive work in the CD may begin. Also, the CD has agreed to appoint a special coordinator on the expansion of its membership with a broad mandate. However, the appointment per se remains pending. Through the plenaries and other forms of consultations, the delegations identified their priority issues and made their positions on such issues more clearly known. In my view, the three sessions of the open-ended informal Presidential consultations, each devoted to such issues as nuclear disarmament, a fissile material cut-off treaty and anti-personnel landmines, were useful and contributed to moving the overall process of the CD forward.

I take this opportunity to pay tribute to the Secretary-General of the United Nations, Mr. Kofi Annan, the Foreign Minister of Italy, Mr. Lamberto Dini, and the Foreign Minister of Australia, Mr. Alexander Downer, who each contributed to galvanizing the CD process by addressing the plenary at the beginning of its annual session.

I can now say that the task of the rotating President of the CD is not easy to fulfil. I know that the President's job is, inter alia to leave no stones unturned in pursuit of the common ground or consensus shared by all the members of the CD for starting negotiations on agreed issues. No efforts were spared on my part. The question of how to enhance the credibility and relevance of the CD as the single, multilateral negotiating forum for disarmament, which I raised in my opening statement on 21 January 1997, has yet to be answered collectively by all CD members. I extend my support and best wishes to the incoming President, the distinguished representative of Romania, who, I am sure, will advance most efficiently the important tasks of the presidency. I thank all the delegations of the CD for their cooperation and assistance during my presidency. My appreciation also goes to Mr. Vladimir Petrovsky, the Secretary-General of the CD, Mr. Abdelkader Bensmail, the Deputy Secretary-General, and all the staff members of the secretariat, as well as the interpreters, for their highly valuable contributions. Finally, I wish all of you a very enjoyable weekend. The next plenary meeting of the Conference will be held on Thursday, 20 February 1997, at 10 o'clock.

The meeting rose at 6.15 p.m.